

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KELLY MACNEAL,

Plaintiff,

-against-

THE STATE OF NEW YORK, et al.,

Defendants.

1:24-CV-6017 (LGS)

ORDER OF SERVICE

LORNA G. SCHOFIELD, United States District Judge:

Plaintiff Kelly MacNeal, who is appearing *pro se*, brings this action against (1) the State of New York; (2) the City of New York; (3) employees of the New York State Division of Human Rights (“DHR”) Chelsea John, Elena Perlongo, Gina Martinez, Candace Tyndall and John Herrion; (4) employees of the New York City Police Department (“NYPD”) John Corde, Grey Castro, Christian Orellana and Jose Quintana-Guaman; and (5) Emergency Medical Technicians of the New York City Fire Department (“FDNY”) Frank Tarsillo and Ryan Stack (collectively, “Defendants”). On November 29, 2024, Plaintiff filed her Amended Complaint.

By order dated August 14, 2024, the court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on assistance from the Court and the United States Marshals Service (“USMS”) to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date that any summonses issue.

process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

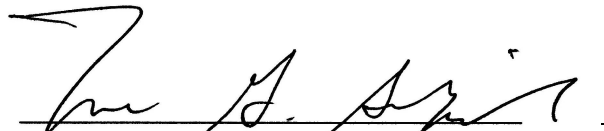
To allow Plaintiff to effect service on Defendants through the USMS, the Clerk of Court is instructed to fill out USMS Process Receipt and Return forms (“USM-285 forms”) for all defendants. The Clerk of Court is further instructed to issue summonses for all Defendants, and deliver to the USMS all the paperwork necessary for the USMS to effect service upon them.

If the Amended Complaint is not served on Defendants within 90 days after the date that summonses for those defendants have issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED.

Dated: December 4, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

SERVICE ADDRESSES

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8. John Corde (Shield No. 26994)
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9. Christian Orellana (Shield No. 15363)
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10. Jose Quintuna-Guaman (Shield No. 7157)
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11. Frank Tarsillo
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